

FILED

SEP 27 2010

DECLARATION OF JOHN WEISHEIT

SECRETARY, BOARD OF
OIL, GAS & MINING

I, John Weisheit, based upon my personal knowledge and belief, state:

1. I reside in Grand County near Moab, Utah.
2. I am of sound mind and body and competent to make this Declaration.
3. I am the Conservation Director of Living Rivers and the Colorado Riverkeeper, an affiliate of the Waterkeeper Alliance.
4. Living Rivers is a non-profit corporation headquartered in Moab, Utah, dedicated to the preservation, protection, and restoration of rivers and watersheds in the Colorado Plateau. Living Rivers works to insure the long-term health and viability of human, animal and plant species, as well as environmental quality, threatened by mining operations in the region.
5. In my capacity as Living Rivers' Conservation Director, I received notice of Earth Energy's proposed NOI to commence Large Mining Operations at PR Springs, soliciting comments on the proposed project. I commented on the proposed projects in a letter to Utah Division of Oil, Gas and Mining dated April 26, 2010.
6. I use and enjoy the land where the Earth Energy's project is proposed. I also use and enjoy the lands adjacent to and nearby the proposed project land.
7. I have visited the land where the Division has approved Earth Energy's mining operations, and the lands immediately adjacent and nearby. I visit those lands to watch birds and wildlife, hike, enjoy the solitude and views, take photographs, and otherwise use and enjoy the public lands in this area.
8. Living Rivers' members also use the land in the area for hunting, hiking, spiritual, and recreation purposes.
9. My recreation, aesthetic, spiritual, conservation and other interests will be significantly and adversely affected if Earth Energy's proposed activities are allowed to proceed. These uses and interests will be

immediately and irreparably harmed if Earth Energy commences its proposed activities.

10. The insufficient reclamation requirements, groundwater contamination, and stormwater runoff from the proposed mining operations will degrade the environment and irreparably alter my use and enjoyment of the area as described above.

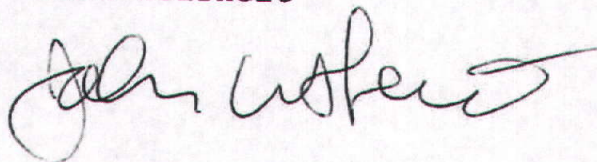
12. My uses are totally incompatible with Earth Energy's proposed uses, including vegetation clearing, road building, construction of mining facilities, impairment of downstream uses and groundwater by mining operations, and proposed reclamation requirements that will not restore the area to its original state.

13. I intend to visit and use the lands at and near the proposed project for the aforementioned purposes at least three times in the next year.

14. The only way to protect my interest and uses of the proposed Project site and other lands and waters affected by the Project, and to protect the similar interests and uses of Living Rivers' members, from irreparable injury is to withdraw Earth Energy's permit approval or vacate the approval for Earth Energy to rectify, if possible, the permit inadequacies.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my personal knowledge, information, and belief.

John Weisheit

A handwritten signature in black ink, appearing to read 'John Weisheit', written in a cursive style.

September 25, 2010